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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Paper No. 13

Application Number: 09/219,934
Filing Date: December 23, 1998
Appellant(s): BAER ET AL.

Frank L. Bernstein
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 31, 2001.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The amendment after final rejection filed on December 31, 2001 has not been entered.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is substantially correct. The changes are as follows:

The "read-write capability features" are not cited in claims 1, 6, 12 and 18.

(7) Grouping of Claims

The rejection of claims 1, 6,2 and 18; 2, 7, 3 and 19; 3, 9, 15 and 21; 4, 10, 16 and 22; 5, 11,17 and 23; and 8, 14 and 20 stand or fall together because appellant's

brief does not include a statement that this grouping of claims does not stand or fall together and reasons in support thereof. See 37 CFR 1.192(c)(7).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

The following is a list of prior of record relied upon in the rejection of claims under appeal

5,857,197	Mullins	1-1999
6,006,230	Ludwig et al.	12-1999

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily

published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claim 1-7, 9-13, 15-19, 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Mullins (U.S. Patent 5,857,197).

Regarding claim 1, Mullins discloses a flexibly adaptable asset management system (see fig. 1, col. 3, lines 65-21) comprising an asset manager server disposed between the client application and the data store (see fig1, col.7, lines 39-67), the asset manager server including at least one client adapter for providing interface functions between the client application and the asset manager server (see fig.1, col. 1, lines 52-61); at least one schema adapter for mapping the assets to the data stored in the data store and for transferring the data to and from the data store in response to methods invoked in the at least one client adapter by the client application (see col. 35, lines 40-45); at least one object oriented class, being one of the classes, wherein an instance of the at least one object oriented class encapsulates the data and associated behaviors for transferring between the at least one schema adapter and the client application through the at least one client adapter (see col. 8, lines 18-36), wherein, the at least one object oriented class is flexibly adaptable, thereby allowing the system to do one or more of handle different data types and associated behaviors and handle additional client applications (see col. 9, lines 34-47).

Regarding claims 6, 12, and18, Mullins teaches a flexibly adaptable asset management system (see fig. 1, col. 3, lines 65-21) comprising an asset manager server disposed between the client application and the data store (see fig1, col.7, lines

39-67), the asset manager server including at least one client adapter for providing interface functions between the client application and the asset manager server (see fig.1, col. 1, lines 52-61); at least one schema adapter for mapping the assets to the data stored in the data store and for transferring the data to and from the data store in response to methods invoked in the at least one client adapter by the client application (see col. 35, lines 40-45); at least one object oriented class, being one of the classes, wherein an instance of the at least one object oriented class encapsulates the data and associated behaviors for transferring between the at least one schema adapter and the client application through the at least one client adapter (see col. 8, lines 18-36), wherein, the at least one object oriented class is flexibly adaptable, thereby allowing the system to do one or more of handle different data types and associated behaviors and handle additional client applications (see col. 9, lines 34-47), the method comprising creating a new object oriented class (see col. 10, lines 25-27) by choosing a template for the new object oriented class (see cols. 4-5, lines 66-5); choosing a domain for an instance of the new object oriented class (col. 8, lines 18-30); and implementing methods for retrieving and setting values for the instance of the new object oriented class (cols.11-12, lines 1-4).

Regarding claims 2, 7, 13, and 19, Mullins discloses the at least one schema adapter is specific to a particular one of the assets, an asset being meta data for a particular data type (see col.3, lines 30-34).

Regarding claims 3, 9, 15, and 21, Mullins discloses the asset manager server further comprises external services for providing a link between the at least one schema adapter and the data store (see col. 4, lines 49-58).

Regarding claims 4, 10, 16, and 22, Mullins discloses the at least one schema adapter calls a specific template for the at least one object oriented class (see col.8, lines 30-34); produces the instance of the at least one object oriented class from the template; and initializes the instance of the object oriented class prior to the transferring between the at least one schema adapter and the client application through the at least adapter (see col. 8, lines 30-36).

Regarding claims 5, 11, 17, and 23, Mullins discloses the at least one schema adapter calls the specific template for the at least one object oriented class using the data type (see col. 8, lines 30-36) and an action path provided to the at least one schema adapter from the client application through the at least one client adapter (see col. 7, lines 39-54).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 8, 14, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mullins (U.S. Patent 5,857,197) in view of Ludwig et al. (U.S. Patent 6,006,230).

Mullins teaches the limitations of the independent claim 6, 12, and 18 as given in the U.S.C 102(e) rejection above; however, Mullins does not teach creating a local copy of the instance and implementing remote and local methods and interfaces as claimed. Ludwig et al. teach that creating a local copy of the instance of the new object oriented class in the client application (see col.39, lines 35-38); and implementing remote and local methods and interfaces to support the instance and the local copy of the instance respectively (see col. 2, lines 40-52). Therefore, it would have been obvious to have used the method in Mullins at taught by Ludwig because methods available to the object instance can be invoked locally thereby the client can serve as a server of the object, in addition to being a client of objects from the server.

(11) Response to Argument

Applicant's sole argument is that the prior of record (mainly Mullins, which is primary reference on all the independent claims) teaches only reading data from a data store, but and not writing data to the data store .The applicant asserts that "it is clear that transferring data to some location means writing that data to that place and that transferring data from some location means reading that data to that place". Examiner disagrees with applicant's argument since transferring data from one location to another does not necessarily encompass the writing-capability. Examiner continues to maintain that "transferring data to a data store" as recited in the claims of the application is sufficiently broad to encompass querying that the read-write capability feature therefore are not recited sufficiently in the claims.

Mullins teaches transferring data to and from the data store (see fig. 1 col.4 lines 49-65).

Conclusion

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

O.D
February 20, 2002

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